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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,270

09/11/2003

Kenichi Shiraishi

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23117

7590

04/23/2008

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EXAMINER

ORANGE, MARIAMA N

ART UNIT

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2625

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,270	<b>Applicant(s)</b> SHIRAISHI ET AL.	
	<b>Examiner</b> Mariama Orange	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20071205; 20071219</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to applicant's amendment and remarks received on 19 December 2007. Claims 1-13 are currently pending.

### ***Specification***

2. The previous objection to the title of the disclosure is withdrawn in light of applicant's amendment.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Amended claims 1-6 and newly added claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukumura (Japanese Publication No. 11-041408), hereinafter referenced as Fukumura.

#### **Regarding amended claim 1**

Fukumura (FIG 2; EXAMPLE) discloses: image sensor (16) and reading section (15),  
which reads on claimed: "optical reader for reading an original in a main scanning  
direction;"  
platen roller (17a); and exhaust passage (26) and outlet (27) downstream from reading  
section (15),

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which reads on claimed: "transporter for transporting the original in a sub scanning direction; and a transport path configured to guide the original read by the optical reader to an original eject slot,"

bottom member of transportation path extends above reading surface of image sensor (16) to a crest, then slopes downward in the vicinity of outlet (27),

which reads on claimed: "transport path comprises a lower guide surface which also serves as a light-blocking portion, wherein at least a portion of the lower guide surface is positioned above an extended plane of a reading surface of the optical reader."

Regarding amended claim 2

Fukumura discloses everything claimed as applied above (see claim 1); in addition, Fukumura (FIG 2) discloses: bottom member of transportation path includes a slant surface between the reading surface of image sensor (16) and the crest,

which reads on claimed: "first slant surface provided between the reading surface of the optical reader and the light-blocking portion."

Regarding amended claim 3

Fukumura discloses everything claimed as applied above (see claim 2); in addition, Fukumura (FIG 2) discloses: top member of transportation path facing bottom member of transportation path,

which reads on claimed: "upper guide surfaces, the upper guide surfaces respectively facing the light-blocking portion and the first slant surface at a predetermined distance."

Regarding amended claim 4

Fukumura discloses everything claimed as applied above (see claim 1); in addition, Fukumura (FIG 2) discloses: cover surface of facsimile machine (1a),

which reads on claimed: "surface provided around a substantial portion of a periphery of the transporter in such a manner as to face the transporter at a predetermined distance."

Regarding amended claim 5

Fukumura discloses everything claimed as applied above (see claim 2); in addition, Fukumura (FIG 2) discloses: cover surface of facsimile machine (1a),

which reads on claimed: "surface provided around a substantial portion of a periphery of the transporter in such a manner as to face the transporter at a predetermined distance."

Regarding amended claim 6

Fukumura discloses everything claimed as applied above (see claim 3); in addition, Fukumura (FIG 2) discloses: cover surface of facsimile machine (1a),

which reads on claimed: "surface provided around a substantial portion of a periphery of the transporter in such a manner as to face the transporter at a predetermined distance."

Regarding new claim 7

Fukumura discloses everything claimed as applied above (see claim 2); in addition, Fukumura (FIG 2) discloses: top member of transportation path includes a slant surface in the same vicinity of the slant surface of the bottom member of the transportation path,

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which reads on claimed: "transport path further comprises an upper guide surface provided with a second slant surface adjacent said first slant surface."

Regarding new claim 8

Fukumura discloses everything claimed as applied above (see claim 3); in addition, Fukumura (FIG 2) discloses: top member of transportation path includes a slant surface in the same vicinity of the slant surface of the bottom member of the transportation path,

which reads on claimed: "at least one of said upper guide surfaces comprises a second slant surface adjacent said first slant surface."

Regarding new claim 9

Fukumura discloses everything claimed as applied above (see claim 1); in addition, Fukumura (FIG 2) discloses: bottom member and top member of transportation path downstream from image sensor (16) both include plural slant surfaces,

which reads on claimed: "downstream from the optical reader the transport path comprises plural non-planar surfaces, the lower guide surface forming at least one of the plural non-planar surfaces."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Newly added claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumura in view of Funagoshi (Japanese Publication No. 05-037743), hereinafter referenced as Funagoshi.

Regarding new claim 10

Fukumura discloses everything claimed as applied above (see claim ); in addition, Fukumura (FIG 2; EXAMPLE) discloses: platen roller (17a); and exhaust passage (26) and outlet (27) downstream from reading section (15),

which reads on claimed: "transporter configured to transport the original in the sub scanning direction;"

bottom member and top member of transportation path downstream from image sensor (16) both include slant surfaces leading to outlet (27),

which reads on claimed: "upper and lower guide members configured to guide the original read by the optical reader to an original eject slot, the upper and lower guide members also configured to define an original transport path inclined toward the sub scanning direction,"

bottom member of transportation path extends above reading surface of image sensor (16) to a crest, then slopes downward in the vicinity of outlet (27),

which reads on claimed: "lower guide member comprises a light-blocking portion configured to block direct incidence of external light through the original transport path on the reading surface of the optical reader."

However, Fukumura fails to disclose an inclined reading surface of the optical reader.

However, the examiner maintains that it was well known in the art, at the time in which

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the invention was made, to include an inclined reading surface of the optical reader, as taught by Funagoshi. In a similar field of endeavor,

Funagoshi (FIG 4; DESCRIPTION OF DRAWINGS) discloses: a manuscript image reader (100) in an inclined position,

which reads on claimed: "optical reader configured to read an original in a main scanning direction, the optical reader including a reading surface inclined toward a sub scanning direction."

In this case, the simple substitution of one known element for another to obtain predictable results would result in the claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Fukumura by specifically including an inclined reading surface of the optical reader, as taught by Funagoshi.

Regarding new claim 11

Fukumura in view of Funagoshi discloses everything claimed as applied above (see claim 10); in addition, Fukumura (FIG 2) discloses: bottom member of transportation path includes a slant surface between the reading surface of image sensor (16) and the crest,

which reads on claimed: "slant surface provided between the reading surface of the optical reader and the light-blocking portion, the slant surface being slanted upwardly toward the sub scanning direction."

Regarding new claim 12



Fukumura in view of Funagoshi discloses everything claimed as applied above (see claim 11); in addition, Fukumura (FIG 2) discloses: top member of transportation path facing bottom member of transportation path,

which reads on claimed: "upper guide member and the lower guide member face each other at such a distance that the original passes through without being jammed."

Regarding new claim 13

Fukumura in view of Funagoshi discloses everything claimed as applied above (see claim 12); in addition, Fukumura (FIG 2) discloses: cover surface of facsimile machine (1a),

which reads on claimed: "cover surface provided around the transporter in such a manner as to face the transporter at a predetermined distance."

***Response to Arguments***

5. Applicant's arguments with respect to original claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariama Orange whose telephone number is (571) 270-3577. The examiner can normally be reached on 9AM-5PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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